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DA-2621
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PTO/SB/21 (09-04)

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FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/788,179-Conf. #5313	
	Filing Date	February 16, 2001	
	First Named Inventor	Timothy P. Meier	
	Art Unit	2621	
	Examiner Name	B. Q. Le	
Total Number of Pages in This Submission	4	Attorney Docket Number	283_304

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Certificate of Express Mail and Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WALL MARJAMA & BILINSKI LLP		
Signature			
Printed name	George S. Blasiak		
Date	September 29, 2006	Reg. No.	37,283

Transmittal

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV887058581US, on the date shown below in an envelope addressed to: MS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 29, 2006

Signature:

(Barbara A. Saltzman)



I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV887058581US, on the date shown below in an envelope addressed to: MS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 29, 2006

Signature: Barbara A. Saltzman
(Barbara A. Saltzman)

Docket No.: 283-304
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Timothy P. Meier et al.

Application No.: 09/788,179

Confirmation No.: 5313

Filed: February 16, 2001

Art Unit: 2621

For: Identification Card Reader

Examiner: B. Q. Le

PETITION TO REQUIRE EXAMINER TO RENDER

REPLACEMENT OFFICE ACTION UNDER 37 C.F.R. §1.181(a)(1)

MS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. A Request for Continued Examination ("RCE") was filed in the above application on December 9, 2005.
2. A "final" Office Action dated September 26, 2006 has been received by the applicants.
3. For an action to be made final after filing of an RCE, all claims in the application must be drawn to the same invention claimed in the application prior to the entry of the submission under 37 C.F.R. §1.114 and could have been finally rejected on the grounds and art of record in the next Office Action if they had been entered in the application prior to entry under 37 C.F.R. §1.114. See MPEP §706.07(b)

4. The requirements for a final Office Action after filing of an RCE have not been satisfied, first because claims were added and amended with the submission under 37 C.F.R. §1.114 and second, because the Examiner relied upon new art in making the rejection of the September 26, 2006 final Office Action.

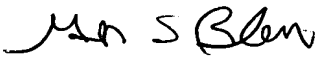
5. Accordingly, applicants hereby petition the Director to require the Examiner to render a replacement Office Action without a "final" status and to vacate the "final" Office Action of September 26, 2006.

If the Director believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Director is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any fees associated with this communication to deposit Account No. 50-0289.

Dated: September 29, 2006

Respectfully submitted,

By 
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GSB/bs